

AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1 – 28. (Canceled)

29. (Previously Presented) A gastroplasty device, comprising:

a cartridge assembly having a longitudinal axis, the cartridge assembly having a first tissue acquisition member pivotable about the longitudinal axis in relation to a second tissue acquisition member;

each tissue acquisition member including a tissue receiving cavity sized to receive a fold of stomach tissue, the tissue receiving cavity being coupled to a vacuum port; and

a stapler disposed on the first tissue acquisition member and the second tissue acquisition member for stapling the fold of stomach tissue.

30. (Previously Presented) The gastroplasty device of claim 29, further comprising a septum removably positioned between the first tissue acquisition member and the second acquisition member.

31. (Previously Presented) The gastroplasty device of claim 29, further comprising an expandable element.

32. (Previously Presented) The gastroplasty device of claim 31, wherein the expandable element is selected from the group consisting of a scope, a balloon, and a wire form.

33. (Previously Presented) The gastroplasty device of claim 30, wherein the septum comprises a bioabsorbable material.

34. (Previously Presented) The gastroplasty device of claim 33, wherein the bioabsorbable material is selected from the group consisting of polylactic acid (PLA), poly(lactic-co-glycolic acid) (PLGA), and polyglycolic acid (PGA).

35. (New) A gastroplasty device, comprising:

a pivoting cartridge assembly having a stapling member and an anvil member pivoting about a longitudinal hinge between an open configuration and a closed configuration;

a first tissue receiving cavity disposed between the stapling member and the longitudinal hinge, and a second tissue receiving cavity disposed between the anvil member and the longitudinal hinge, the first and second tissue receiving cavities coupled to a vacuum source; and

a septum projecting radially outward from the longitudinal hinge between the stapling member and the anvil member.

36. (New) The gastroplasty device of Claim 35, wherein the first tissue receiving cavity is opposed to and adjacent the second tissue receiving cavity when the pivoting cartridge is in the closed configuration.